November 1, 2002

Mr. David Guion
Ms. Melissa Guion
225 West 23rd Street, #3F
New York, NY 10011

Dear Mr. And Ms. Guion:

I am responding to your letter of August 6, 2002, to the U.S. Department of Justice that was recently forwarded to the U.S. Nuclear Regulatory Commission (NRC) in which you express concerns about the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point). In your letter, you request that: (1) the NRC shut down Indian Point pending a full and independent review of the plant's ability to operate safely, and (2) spent fuel at Indian Point be immediately transferred to a safer storage system than the current wet-pool system. As the basis for these requests, you state that (1) the original licensing bases for Indian Point did not account for the new threat posed by a large and sophisticated group of terrorists, (2) only a small portion of those threatened by an accident would be safely evacuated, (3) there would be an insufficient number of buses available to transport children and some bus drivers would not fulfil their responsibilities, (4) area hospitals are not equipped to handle significant numbers of contaminated victims, and (5) already congested roads would be impassible within a matter of minutes.

In view of the unprecedented events of September 11, 2001, NRC Chairman Richard Meserve, with the full support of the Commission, directed the staff to undertake a comprehensive reevaluation of NRC's security and safeguards programs. This review involves coordination with other Federal agencies. On February 25, 2002, the NRC issued Orders to all commercial nuclear power plants to implement interim compensatory security measures for the current threat environment. Some of the requirements formalize a series of security measures that NRC licensees had already taken in response to advisories issued by the NRC following the terrorist attacks, and others are security enhancements which have emerged from the Commission's ongoing security review. Entergy Nuclear Operations, Inc., the licensee for the Indian Point facility, has completed the required actions to fully comply with the Orders. In addition, New York State has augmented security at Indian Point with National Guard personnel and State police. Further, the New York State Office of Public Security, working with various Federal and State agencies, including the Federal Bureau of Investigation, has assessed the long-term security needs at Indian Point. The Office of Public Security report made a number of recommendations to enhance security which Entergy has either implemented or is considering. The NRC and the Federal Emergency Management Agency (FEMA) have been working with the Office of Public Security, the New York State Emergency Management Office, and other State and local agencies to enhance coordination involving security and emergency preparedness and planning.

We cannot rule out the possibility of future terrorist attacks on nuclear power plants such as the Indian Point facility; however, we believe that these facilities can continue to operate safely. Nuclear power plants are inherently robust. Their design is based on defense-in-depth principles and includes many features to protect public health and safety. Reinforced

containment buildings and redundant safety systems would allow trained operators to prevent or limit the release of radioactive material in the unlikely event of a terrorist attack or other disaster. In light of the facility's defense-in-depth design, the heightened security measures implemented in response to the events of September 11th, and the NRC's ongoing reevaluation of its safeguards and security programs, we do not consider the immediate closure of Indian Point to be necessary to protect the public health and safety.

In the U.S. the area over which emergency planning efforts for commercial nuclear power plants are carried out is identified by two concentric emergency planning zones (EPZs). The EPZs are defined as the areas for which planning is needed to assure that prompt and effective actions can be taken to protect the public in the unlikely event of an accident. The choice of the size of the EPZs represents a judgment on the extent of detailed planning which must be performed to assure an adequate response. In a particular emergency, protective actions might well be restricted to a small part of the planning zones. On the other hand, for the worst possible accidents, protective actions might need to be taken outside the planning zones.

The first zone, called the plume exposure pathway EPZ, is an area of about 10 miles in radius from the center of the plant. Potential radiation exposure in this zone would be from the plume. The major protective actions planned for this EPZ, evacuation and sheltering, would provide for the substantial reduction in early severe health effects in the unlikely event of a worst case accident. The second zone, called the ingestion pathway EPZ, is an area of about 50 miles in radius from the center of the plant. Potential radiation exposure in this zone would be primarily from ingestion of contaminated foods that might occur as a result of deposition of radioactive materials. The major protective actions planned for this zone, putting livestock on stored feed and controlling food and water, would be employed to reduce exposure to the public from ingestion of contaminated food and water. The response measures established within the 10 mile and 50 mile EPZs can and will be expanded if the conditions of a particular accident warrant it.

Emergency planning is based upon protection of the public from potential adverse radiological health effects that might occur as a result of an accident at a nuclear power plant. The overall objective of emergency planning is to provide dose savings for a spectrum of unlikely accidents that could produce significant offsite doses. Whether the event is the result of a terrorist attack or sudden catastrophic failure of plant equipment, the response would be driven, not by the initiating conditions, but rather by the actions necessary to ensure public health and safety.

NRC regulations require that comprehensive emergency plans be prepared and periodically exercised to assure that actions can and will be taken to protect citizens in the vicinity of a nuclear power plant. The NRC and FEMA are the two Federal agencies responsible for evaluating emergency preparedness at and around nuclear power plants. The NRC is responsible for assessing the adequacy of onsite emergency plans developed by the utility, while FEMA is responsible for assessing the adequacy of offsite (State and local) emergency planning. The NRC relies on FEMA's findings in determining that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Emergency planning is a dynamic process and, as a result, emergency response plans are periodically updated. FEMA, with the assistance of the Regional Assistance Committee, a panel of experts in various aspects of emergency preparedness from a number of Federal agencies, periodically reviews these plans. These reviews consistently indicate that the emergency response plans for Indian Point provide a sound framework for effective decision making and implementation of essential emergency preparedness functions. While the emergency response plans have been found adequate, FEMA, the State, the counties, and Entergy are working closely on further enhancements. These enhancements consider such issues as the locations of school reception centers, traffic control contingencies, and potassium iodide distribution and use.

Your concerns regarding the availability of buses and bus drivers, as well as your concern that area hospitals are not prepared or equipped to handle significant numbers of contaminated victims has been forwarded to FEMA for review as part of this evaluation process. We will provide to you the results of FEMA's evaluations of your specific concerns when they are made available to us.

As you are probably aware, the biennial emergency response exercise was conducted on September 24, 2002, at Indian Point, and provided an integrated test of Entergy, the State, and counties' preparedness. This exercise was evaluated using a new methodology, developed from FEMA's strategic review of the Radiological Emergency Preparedness Program, which results in a more realistic exercise of preparedness for an actual event. FEMA's specific findings will be issued later this year, but the preliminary assessment indicates that the offsite emergency plans are adequate to protect public health and safety.

Regarding the disposition of spent nuclear fuel currently on site, the NRC shares your concern about the safeguards and physical security of spent fuel. We believe that spent fuel can be safely stored at the Indian Point reactor site until it can be shipped to a centralized interim spent fuel storage facility or a permanent disposal facility. The current spent fuel storage pool designs were reviewed and approved by the NRC during initial licensing, and the construction and small size assist with physical security. The licensee has also indicated that an engineering evaluation is underway regarding the installation of a dry-cask storage system at Indian Point.

Thank you for your interest in these concerns of importance to the Nation and nuclear power plant security. If you should have any further questions, please feel free to contact me at 301-415-1353 or Patrick Milano at 301-415-1457.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
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DATE	10/30/02	10/30/02	10/29/02	10/31/02	10/22/02

OFFICE	R-I\DRP*	PDI-1\SC	PDI\D		
NAME	TWalker by e-mail	RLaufer	SRichards		
DATE	10/10/02	10/31/02	10/31/02		

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